

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES MICHAEL PARKER,

Defendant.

No. CR-11-55-GF-BMM

ORDER

I. Synopsis

The undersigned granted the Defendant's unopposed motion for a psychiatric exam on November 29, 2016. (Doc. 35). The Defendant was committed to the Federal Detention Center at SeaTac, Washington for an evaluation of his competency to proceed in this matter. A Forensic Evaluation report was submitted to the Court. (Doc. 38). The report concluded that Mr. Parker has a less than adequate understanding of the allegations against him, a poor capacity to assist in his defense, and recommended that Mr. Parker undergo competency restoration procedures at a Federal Medical Facility. (*Id.*)

The Court conducted a competency hearing on February 16, 2017. (Doc. 42.) The United States argued that Mr. Parker did not understand the allegations

against him and could not assist in his defense. Mr. Parker disagreed. The Court heard testimony from Dr. Cynthia Low and from Mr. Parker. The Court found that based on the forensic evaluation and the testimony presented at the hearing, Mr. Parker was not competent to participate in a revocation hearing at that time. The Court ordered Mr. Parker to undergo competency restoration procedures at a Federal Medical Center for a period of 120 days. (Doc. 43).

On March 23, 2018, the United States Probation Office filed a petition to revoke Mr. Parker's supervised release. (Doc. 60). On March 27, 2018, Mr. Parker appeared before the undersigned for an initial appearance on said petition. (Doc. 62). Mr. Parker moved in open court for a continuance in his initial appearance for a competency evaluation at a Federal Medical Center. The Court had reasonable belief that Mr. Parker may not be competent to face the allegations in the petition or to assist in his defense based on his behavior in the courtroom and ordered him to undergo a competency evaluation at a Federal Medical Center.

Accordingly, IT IS HEREBY ORDERED that:

1. James Michael Parker shall undergo an evaluation to determine his competency to participate in his defense in a revocation hearing. The United States Marshals Service is directed to request that the Bureau of Prisons designate the federal facility where Mr. Parker will be evaluated. The United States Marshals Service shall notify the Court when it receives notice of the facility that has been designated. The Clerk is directed to notify the parties and the United States Marshals Service of the entry

of this Order.

2. If the director of the facility of Mr. Parker's evaluation determines that he is competent, the director must file a certificate with the court, which will then conduct Mr. Parker's revocation hearing.
3. If the director of the facility determines that Mr. Parker does not understand the allegations against him and cannot assist in his defense, Mr. Parker will be committed to the custody of the Attorney General to undergo continued competency restoration procedures in a Federal Medical Facility for a period of time not to exceed 120 days.

DATED this 28th day of March, 2017.



John Johnston
United States Magistrate Judge